

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

VINCENT G. TANNER,

Plaintiff,

v.

Case No. 08-C-0524

DEPUTY MARK METZ,

Defendant.

ORDER

The plaintiff filed a pro se civil rights complaint under 42 U.S.C. § 1983, and he is proceeding in forma pauperis. On August 26, 2008, the court issued a Scheduling Order that provided a deadline for discovery of November 24, 2008, and a dispositive motion deadline of December 23, 2008. On September 4, 2008, this case was reassigned based on the consent of the parties to magistrate judge jurisdiction. In early September 2008, the court learned that the plaintiff had been transferred within the Wisconsin Department of Corrections (DOC) from Dodge Correctional Institution (DCI) to Redgranite Correctional Institution (RGCI) and updated the docket accordingly. In accordance with the scheduling order, the defendant filed a motion for summary judgment on December 23, 2008. To date, the plaintiff has not filed a response. However, the certificate of service filed with the motion for summary judgment reveals that the defendant mailed the pleadings to the plaintiff at DCI instead of RGCI. Also, the certificate of service does not contain the plaintiff's DOC prisoner number. It is unlikely the DOC was able to forward the pleadings to the plaintiff at RGCI. It is also unlikely that the plaintiff has seen the defendant's motion for

summary judgment or had the opportunity to respond. Accordingly, the court will provide the plaintiff with copies of the pleadings related to the defendant's motion for summary judgment and give him a deadline for filing a response to the motion. The court advises the defendant that a more careful review of the court's docket, or the use of the plaintiff's DOC prisoner number, will prevent any similar delay in the future.

NOW, THEREFORE, IT IS ORDERED that the Clerk of Court shall provide the plaintiff with copies of docket numbers 12, 13, 14, 15 and 16.

IT IS FURTHER ORDERED that the plaintiff shall respond to the defendant's motion for summary judgment on or before **April 1, 2009**.

Dated at Milwaukee, Wisconsin this 24th day of February, 2009.

BY THE COURT:

s/AARON E. GOODSTEIN
United States Magistrate Judge